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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,069	09/15/2000	Anandakumar Varatharajah	A-69227/MAK/LM	3198
7590	09/29/2003			
Larry Mendenhall, Esq. FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP Four Embarcadero Center - Suite 3400 San Francisco, CA 94111-4187			EXAMINER CHANG, SABRINA A	
		ART UNIT 3625	PAPER NUMBER	

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/663,069	VARATHARAJAH, ANANDAKUMAR
<b>Examiner</b>	<b>Art Unit</b>	
Sabrina Chang	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 15 September 2000.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 September 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### *Election/Restrictions*

Claims 9-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected method of purchasing goods from a plurality of merchants, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 9 – 8/13/03.

Applicant's election with traverse of the method for manipulating electronic receipt data in Paper No. 9 is acknowledged. The traversal is on the ground(s) that it would not be a burden to investigate the two inventions together. This is not found persuasive because the two inventions are substantially different. Group I, the invention elected by the applicant, recites a method of creating and sharing a list of goods from a series of electronic receipts. Group II recites much more generally a method of shopping at a plurality of vendors over an electronic network. .

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 112 1<sup>st</sup> Paragraph*

Claims 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The applicant fails to describe what a “reproduction” of a product is. It is unclear whether this refers to a textual/graphical depiction of a desired product or an electronic listing of similar product or even the availability of a product in inventory.

***Claim Rejections - 35 USC § 112 2<sup>nd</sup> Paragraph***

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear “sensing” and “viewing” a reproduction of a product comprises [Line 4 of both claims].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cybul et al. US Patent No. 6,246,997 in view of Ojha et al. US Patent No. 6,598,026.

Cybul et al. discloses an electronic commerce site that maintains a database of customers’ shopping histories (electronic receipts) [Abstract]. The system specifically includes a list builder tool that allows a customer to create shopping lists from their previously purchased items (selecting various line items from the electronic receipts and creating a new list) [Col 3, Line 63]. The purpose of the streamlined list-building tool is to facilitate a faster and more satisfying on-line shopping experience leading to repeated use of the on-line shopping service [Col 5, Line 54].

Cybul et al. does not explicitly disclose the sharing of a customer’s electronic shopping history or their shopping “lists”, created from their shopping histories. Ojha et al. teaches a method and apparatus for facilitating electronic commerce. Specifically,

Ojha allows a potential customer to create a shopping list and share it with friends or co-workers to solicit feedback on various products, sellers, ask prices, etc. [Col 2, Line 63].

The shopping list may be sent in an e-mail, for example as an HTML table or the persons in the group can be given access to the website and can view the product (reproductions of the product) [Col 3, Line 1]. The buyer may solicit advice/comment from the group members (viewing and commenting on the list).

It would have been obvious to one skilled in the art at the time to modify the system of Cybul et al. to include the ability for a customer to share their shopping lists, as taught by Ojha et al. in order to help facilitate in creating a more reliable and trust buying experience, by soliciting opinions from friends and acquaintances, in order to ensure customer satisfaction and increase the likelihood of future purchases.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Roberston and Lee et al. disclose methods and systems for maintaining virtual wish lists and gift registries. They do not disclose an electronic receipt sharing system.

Fritsch and Allard et al. disclose methods for storing shopper histories. They do not explicitly disclose sharing such shopping histories.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703 308 1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC



WYNN W. COGGINS  
SUPERVISORY PATENT EXAMINER  
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